UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,045	10/29/1999	DAVID CARROLL CROMWELL	7000-045	6702

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr>
<td rowspan="2">Office Action Summary</td>
<td>Application No.
09/430,045</td>
<td>Applicant(s)
CROMWELL ET AL.</td>
<td></td>
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<tr>
<td>Examiner
Dustin Nguyen</td>
<td>Art Unit
2154</td>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 – 19, 36 – 45, 52 - 69* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 – 19, 36 – 45, 52 - 69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAIL ACTION

1.   Claims 1 – 19, 36 – 45, 52 - 69 are presented for examination.

Response to Arguments

2.   In view of the Appeal Brief filed on 08/14/2006, PROSECUTION IS HEREBY

REOPENED. A non-final rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee

can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have

been increased since they were previously paid, then appellant must pay the difference between

the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 1 – 19, 59, 63-69 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-19, 59, 63-66, "a computer-readable medium" is directed to non-statutory subject matter [i.e. the phrase "computer-readable medium" is intended to include electrical signals, specification, page 21].

As per claims 67-69, "an audio server package" is directed to non-statutory subject matter [i.e. software, specification, page 18].

As per claim 12, the limitation of "playing the sequence including the variable" does not result in a tangible result.

As per claim 63, the limitation of "playing the audio segments" does not result in a tangible result.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) In the claim, the practical application of an algorithm or idea result in a useful, concrete, tangible result, AND

2) The claim provides a limitation in the technological art that enables a useful, concrete, tangible result.

As to the technology requirement, note MPEP Section iV 2(b). Also note In Re Waldbaum, 173USPQ 430 (CCPA 1972) which teaches "useful arts" is synonymous with "technological arts". In re Musgrave, 167USPQ 280 (CCPA1970), In re Johnston, 183USPQ 172 (CCPA 1974), and In re Toma, 197USPQ 852 (CCPA 1978), all teach a technological requirements.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this
or a foreign country, before the invention thereof by the applicant for a patent.

5.   Claims 1, 2, 5 – 10, 12 – 19, 36, 37, 39 – 45, 52, 53, 55 – 59, 63 – 69 are rejected under

35 U.S.C. 102(a) as being anticipated by Cromwell, A Syntax For The MGCP Audio Package,

Internet Engineering Task Force, Internet Draft, XP-002278700.

6.   As per claim 1, Cromwell discloses the invention as claimed including a sequence

processor for providing access to a sequence of audio segments accessible by an audio server [

i.e. an MGCP Announcement package for use by an Announcement Server Gateway and it

provides support direct references to simple audio as well as indirect references to simple and

complex audio] [pages 1 and 2, "Abstract"], the sequence processor comprising computer-

executable instructions embodied in a computer-readable medium for performing steps

comprising:

receiving a request for playing the sequence of audio segments [i.e. collects DTMF digits

entered by a user] [page 5, "Play Collect"], the sequence of audio segments comprising at least

portions of network-related announcements to be played to a recipient [i.e. single or complex

announcements] [page 4, "Introduction"], the sequence being identified by an audio identifier [

i.e. provisioned segment reference by ID] [page 7, "Provisioned Segment"];

locating, in an audio server database, the sequence of audio segments based on the audio

identifier [i.e. provisioned segments may reference other provisioned segments] [page 7,

"Provisioned Segment"]; and

playing the sequence of audio segments to the recipient so that the recipient is apprised of

at least one network-related announcement [i.e. play a provisioned audio segment] [page 17,

"Examples"].

7.   As per claim 2, Cromwell discloses receiving a request from a media gateway control

protocol (MGCP) call agent [page 1, "Abstract"].

8.   As per claim 5, Cromwell discloses receiving a request for playing the sequence of audio

segments wherein at least one of the audio segments is a variable [page 7, "Variable"].

9.   As per claim 6, Cromwell discloses resolving the variable into an audio data segment [

i.e. variable to be played in the default language] [page 12, "Variable Qualifiers"].

10.   As per claim 7, it is rejected for similar reasons as stated above in claim 1. Furthermore,

Cromwell discloses a selector for specifying a member of the set corresponding to the audio

segment [i.e. parameters] [page 6] and selecting the audio segment to be played based on the

audio identifier and the selector [i.e. play a sequence of three provisioned segments] [pages 17-

19, "Examples"].

11. As per claim 8, Cromwell discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played [i.e. variable qualifiers] [pages 14 and 15].

12. As per claim 9, Cromwell discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a partial path through the levels and selecting the audio data segment to be played includes traversing the levels in the order specified by the selector and supplying default paths through levels not specified by the selector [pages 17-19, "Examples"].

13. As per claim 10, it is rejected for similar reasons as stated above in claim 2.

14. As per claim 12, it is rejected for similar reasons as stated above in claims 1, 5 and 6. Furthermore, Cromwell discloses determining whether the variable is an embedded variable and playing the sequence including the variable [page 4, "Introduction"].

15. As per claim 13, Cromwell discloses in response to determining that the variable is not an embedded variable, resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable [page 12, "Variable Qualifiers"].

16. As per claim 14, Cromwell discloses the variable is Multilanguage variable and wherein resolving the variable includes selecting audio data segments to be played based on a language specified by the variable [i.e. language code] [page 13].

17.   As per claim 15, it is rejected for similar reasons as stated above in claim 14.

18.   As per claims 16-19, they are rejected for similar reasons as stated above in claims 5-7.

19.   As per claim 36, it is rejected for similar reasons as stated above in claim 1.

20.   As per claim 37, it is rejected for similar reasons as stated above in claim 2.

21.   As per claim 39, it is rejected for similar reasons as stated above in claims 5 and 6.

22.   As per claim 40, it is rejected for similar reasons as stated above in claim 7.

23.   As per claims 41 and 42, they are rejected for similar reasons as stated above in claims 8

and 9.

24.   As per claim 43, it is rejected for similar reasons as stated above in claims 1, 5, 6 and 14.

25.   As per claim 44, Cromwell discloses means for selecting audio segments having

inflections in accordance with the language specified in the request [i.e. tone, speed, volume] [

pages 6 and 18].

26.   As per claim 45, it is rejected for similar reasons as stated above in claim 15.

27.   As per claim 52, it is a method claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

28.   As per claim 53, it is rejected for similar reasons as stated above in claim 2.

29.   As per claim 55, it is method claimed of claim 7, it is rejected for similar reasons as stated above in claim 7.

30.   As per claim 56, it is rejected for similar reasons as stated above in claim 2.

31.   As per claims 57 and 58, they are rejected for similar reasons as stated above in claims 8 and 9.

32.   As per claim 59, it is rejected for similar reasons as stated above in claim 7.

33.   As per claim 63, it is rejected for similar reasons as stated above in claims 1, 5-7.

34.   As per claim 64, it is rejected for similar reasons as stated above in claim 1.

35.   As per claim 65, it is rejected for similar reasons as stated above in claim 7.

36.   As per claim 66, it is rejected for similar reasons as stated above in claims 5 and 6.

37.   As per claims 67-69, they are rejected for similar reasons as stated above in claims 1, 5-7.

Claim Rejections - 35 USC § 103

38.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

39.   Claims 3, 4, 11, 38, 54, 60-62, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Cromwell, A Syntax For The MGCP Audio Package, Internet Engineering Task Force,

Internet Draft, XP-002278700, in view of Mauricio Arango, Andrew Dugan, Isaac Elliott,

Christian Huitema and Scott Pickett "Media Gateway Control Protocol", XP-002278702 [

hereinafter Arango].

40.   As per claim 3, Cromwell does not specifically disclose receiving an MGCP

NotifyRequest command from the call agent. Arango discloses receiving an MGCP

NotifyRequest command from the call agent [page 2, lines 6-11]. It would have been obvious

to a person skill in the art at the time the invention was made to combine the teaching of

Cromwell and Arango because Arango's teaching of providing a set of gateway control

commands would enable a controller to instruct a gateway on the creation of connections that

terminates in an "endpoint" attached to the gateway, and to be informed about events occurring

at the endpoint [Arango, page 30, lines 29-32].

41.   As per claim 4, Cromwell does not specifically disclose transmitting audio data packets

to a gateway over a packet-based network, and wherein the gateway plays the sequence. Arango

discloses transmitting audio data packets to a gateway over a packet-based network, and wherein

the gateway plays the sequence [page 6, lines 1-9]. It would have been obvious to a person skill

in the art at the time the invention was made to combine the teaching of Cromwell and Arango

because the teaching of Arango would provide an application programming interface and a

corresponding protocol for controlling Voice over IP (VOIP) gateways from external call control

elements [Arango, page 1, "Abstract"].

13.   As per claim 11, it is rejected for similar reasons as stated above in claim 3.

13.   As per claim 38, it is rejected for similar reasons as stated above in claim 3.

42.   As per claim 54, it is rejected for similar reasons as stated above in claim 4.

43.   As per claim 60, it is rejected for similar reasons as stated above in claim 1. Furthermore,

Cromwell does not specifically disclose an interface card, an audio server database embodied in

a memory device, and a processor. Arango discloses an interface card, an audio server database

embodied in a memory device, and a processor [i.e. gateways, servers] [page 6, lines 8-29; and

page 17, lines 17-19]. It would have been obvious to a person skill in the art at the time the

invention was made to combine the teaching of Cromwell and Arango because the teaching of

Arango would provide a storage for maintain and control data in a communication network.

44.   As per claim 61, Cromwell does not specifically disclose at least one digital signal

processing (DSP) card for converting the sequences of audio data segments extracted from the

audio server database into a format for playing to the recipient. Arango discloses at least one

digital signal processing (DSP) card for converting the sequences of audio data segments

extracted from the audio server database into a format for playing to the recipient [i.e. provide

access and play announcement services] [page 13, lines 11-28]. It would have been obvious to

a person skill in the art at the time the invention was made to combine the teaching of Cromwell

and Arango because the teaching of Arango would provide a distributed system that will

interface on one side with one or more telephony switches and on the other side with H.323

conformant systems [Arango, page 8, lines 2-12].

45.   As per claim 62, it is rejected for similar reasons as stated above in claims 7.

46.   Applicant's arguments with respect to claims 1 – 19, 36 – 45, 52 - 69 have been

considered but are moot in view of the new ground(s) of rejection.

47.   A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3968. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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